

United States District Court
Western District of Texas
Austin Division

United States of America,

v.

Emilio Rios
Defendant.

No. 22-CR-100 (RP)

Government’s Unopposed Motion to Amend the Judgement

The government respectfully submits this unopposed motion to amend the judgment in this matter.

In this child pornography possession case, United States District Judge Lee Yeakel sentenced the defendant on April 25, 2023 to 60 months’ imprisonment followed by 10 years’ supervised release and required the defendant to pay \$63,000 in restitution to victims. (Amended Judgment, Dkt. No. 48.) The judgment included restitution to victims “Erin” and “Fiona” of the BluesPink series of child pornography materials. (*Id.* at 7-8.) Upon a recent review of the case, the government discovered that restitution should have been awarded to “Fiona” but not to “Erin” because images of “Erin” were not in the defendant’s possession. The restitution request submitted by victims’ counsel was for “Fiona,” but the body of the restitution letter referenced both victims of the series, which led to the erroneous inclusion of “Erin” in the judgment.

Under Federal Rule of Criminal Procedure 36, the Court may “at any time correct a clerical error in a judgment” Given the clerical error noted above, the Court should issue an amended judgment removing “Erin” of the BluesPink series from the restitution order. That amendment will reduce the defendant’s restitution obligations by \$3,000.

The government has consulted with defense counsel as well as counsel for the victim and neither opposes this motion. The government has also notified the Probation Department of this issue and motion.

Respectfully submitted,

Jaime Esparza
United States Attorney

By: /s/ G. Karthik Srinivasan
G. Karthik Srinivasan
Assistant United States Attorney

Certificate of Service

I certify that on September 17, 2024, I electronically filed this document with the Clerk of Court using the CM/ECF system.

☒ The CM/ECF system will send notification to the following CM/ECF participant(s):

Jose Gonzalez-Falla, Esq., counsel for defendant

/s/ G. Karthik Srinivasan

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